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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 UNITED STATES OF AMERICA,)
09 Plaintiff,) CASE NO. CR02-439-RSL
10 v.)
11 YOLANDA EVETTE AVERY,) SUMMARY REPORT OF U.S.
12 Defendant.) MAGISTRATE JUDGE AS TO
ALLEGED VIOLATIONS
OF SUPERVISED RELEASE
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14 An evidentiary hearing on supervised release revocation in this case was scheduled
15 before me on August 3, 2012. The United States was represented by AUSA Andrew C.
16 Friedman and the defendant by Jay Stansell. The proceedings were digitally recorded.

17 Defendant had been sentenced on or about November 4, 2005 by the Honorable Robert
18 S. Lasnik on a charge of Bank Fraud, and sentenced to 27 months custody (consecutive to
19 defendant's sentence in CR04-0107 FDB), 5 years supervised release.

20 The conditions of supervised release included the standard conditions plus the
21 requirements that defendant cooperate in the collection of DNA, be prohibited from possessing
22 a firearm, abstain from alcohol and other intoxicants, participate in drug testing, submit to

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01 search, participate in a mental health program, pay restitution in the amount of \$133,700,
02 provide her probation officer with access to financial information upon request, be prohibited
03 from incurring new credit obligations or opening new lines of credit, and be prohibited from
04 possessing any identification documents in any but her true identity. (Dkt. 55.)

05 On November 1, 2011, defendant's probation officer reported that she tested positive
06 for alcohol use. (Dkt. 80.) Defendant was reprimanded, and testing was increased. No
07 further action was taken at the time.

08 In an application dated (Dkt. 81, 82), U.S. Probation Officer Carol A. Chavez alleged
09 the following violations of the conditions of supervised release:

10 1. Using alcohol on or about June 15, 2011 and September 21, 2011, and on or
11 about March 4, June 19, 22, and July 4, 2012, in violation of the special condition that she
12 abstain from the use of alcohol.

13 2. Failing to report for drug urinalysis testing on: March 2, April 26, and July 9,
14 2012, in violation of the special condition that she participate in a program of drug testing.

15 3. Failing to submit a valid drug test on May 14, 2012, in violation of the special
16 condition that she participate in a program of drug testing.

17 4. Failing to answer truthfully all inquiries by the probation officer on or about
18 June 25, 2012, in violation of Standard Condition No. 3.

19 5. Leaving the judicial district without the permission of her probation officer on or
20 about July 8, 2012, in violation of Standard Condition No. 1.

21 Defendant was advised in full as to those charges and as to her constitutional rights.

22 Defendant admitted the violations and waived any evidentiary hearing as to whether

01 they occurred. (Dkt. 88.)

02 I therefore recommend the Court find defendant violated her supervised release as
03 alleged in violations, and that the Court conduct a hearing limited to the issue of disposition.
04 The next hearing will be set before Judge Lasnik.

05 Pending a final determination by the Court, defendant has been detained.

06 DATED this 3rd day of August, 2012.

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09 Mary Alice Theiler
10 United States Magistrate Judge

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12 cc: District Judge: Honorable Robert S. Lasnik
13 AUSA: Andrew C. Friedman
14 Defendant's attorney: Jay Stansell
15 Probation officer: Carol Chavez
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